

ROGER P. CROTEAU & ASSOCIATES, LTD.

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LAS VEGAS DEVELOPMENT GROUP, LLC
7

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 ***

11 LAS VEGAS DEVELOPMENT GROUP, LLC,)
12 a Nevada limited liability company,)

13 Plaintiff,)

Case No. 2:15-cv-1127-APG-CWH

14 vs.)

15 SHIRLEY C. YFANTIS, an individual;)
CRYSTALIA L. YFANTIS, an individual;)
16 WELLS FARGO BANK, NA, a National)
Banking Association; NATIONAL DEFAULT)
17 SERVICING CORPORATION, an Arizona)
corporation; MARIA BARROGA, an)
18 individual; ANASTACIA CEPEDA, an)
individual; SECRETARY OF THE)
19 DEPARTMENT OF HOUSING AND URBAN)
DEVELOPMENT, a federal governmental)
20 agency; EVERGREEN MONEYSOURCE)
MORTGAGE COMPANY, a Washington)
21 corporation; DOE individuals I through XX;)
and ROE CORPORATIONS I through XX,)

22 Defendants.)
23)

24 **STIPULATION AND ORDER TO PARTIALLY DISMISS AS TO**
25 **DEFENDANT, SECRETARY OF THE DEPARTMENT**
26 **OF HOUSING AND URBAN DEVELOPMENT ONLY**
AND TO WITHDRAW MOTION TO DISMISS

27 COMES NOW Plaintiff, LAS VEGAS DEVELOPMENT GROUP, LLC ("*LVDG*"), and
28 Defendant, SECRETARY OF THE DEPARTMENT OF HOUSING AND URBAN

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DEVELOPMENT (“HUD”), by and through their undersigned counsel, and hereby state as follows:

1. The instant action was filed by the Plaintiff to recover title and possession of real property commonly known as 9986 Otterburn Street, Las Vegas, Nevada 89178, Assessor Parcel No. 176-28-613-097 (“the *Property*”).
2. Pursuant to its Complaint, Plaintiff alleges that a foreclosure sale related to the Property conducted by Wells Fargo Bank, N.A. was void and ineffective and that subsequent transfers of title to the Property were likewise void and ineffective. As a result, Plaintiff claims to continue to be the rightful owner of the Property.
3. HUD held record title to the Property for a period of time but does not claim any current interest in the Property.

Good cause appearing therefor, the parties stipulate and agree as follows:

1. On October 19, 2015, HUD filed a Motion to Dismiss herein [Doc. #43].
2. Pursuant to said Motion, HUD moves for the dismissal of Plaintiff’s Second Cause of Action for Unjust Enrichment and Fourth Cause of Action for Slander of Title.
3. Plaintiff’s Second Cause of Action for Unjust Enrichment and Fourth Cause of Action for Slander of Title shall be dismissed with prejudice as to HUD only.
4. HUD shall file a Disclaimer of Interest herein, disclaiming any and all interest in the Property. Upon the filing of said Disclaimer of Interest, the parties shall execute and file a Stipulation and Order dismissing the remainder of this action as it relates to HUD.

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- 1 5. HUD shall be bound by any judgment of this Court relating to the rights and title
2 of the various parties in and to the Property.
- 3 6. HUD shall retain all rights and claims that it may possess against any party to this
4 action.
- 5 7. HUD's Motion to Dismiss [Doc. #43] shall be withdrawn.

6 Dated this 25th day of November, 2015.

7 ROGER P. CROTEAU &
8 ASSOCIATES, LTD.

UNITED STATES ATTORNEY

9 /s/ Timothy E. Rhoda
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17 **LAS VEGAS DEVELOPMENT GROUP,**
18 **LLC**

9 /s/ Troy K. Flake
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17 Attorney for Defendant
18 **SECRETARY OF THE DEPARTMENT**
19 **OF HOUSING AND URBAN**
20 **DEVELOPMENT**

21 **IT IS SO ORDERED.**

22 By: 
23 UNITED STATES DISTRICT JUDGE

24 Dated: November 25, 2015